

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

September 23, 2003
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Mallory, Niemann, Silver, Turner
Absent: Hirsch

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Carolyn Sedwick (City Manager) and Chad Gruver (Fire).

Ron Whitehead, City Manager, reported the record attendance of 50,000 at Addison Oktoberfest 2003.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the September 9, 2003 Council meeting.

Item #2b – Consideration of approval of construction and authorization of final payment in the amount of \$14,583.47 to Texas Electric Utility Construction, Inc. for the Wright Brothers Drive and Wiley Post Road waterline replacement.

Councilmember Turner moved to duly approve the above items. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Hirsch

Councilmember Hirsch arrived at the Council meeting.

Item #R3 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, on application from Two Rows Restaurant and Brewery, located at 17225 Dallas Parkway, represented by Gene Waldrum, AlphaSign Center.

Councilmember Mallory moved to duly pass Ordinance No. 003-029 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, on application from Two Rows Restaurant and Brewery, located at 17225 Dallas Parkway. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R4 – Consideration of approval of a contract with the law offices of Robert L. McCallum for legal services associated with the collection of delinquent taxes.

Councilmember Turner moved to duly approve a contract with the law offices of Robert L. McCallum for legal services associated with the collection of delinquent taxes. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R5 – Consideration of an Ordinance of the Town of Addison, Texas amending the annual budget, as amended for the fiscal year ending September 30, 2003; providing for a repeal clause and declaring an emergency.

Councilmember Silver moved to pass Ordinance No. 003-030 amending the annual budget, as amended for the fiscal year ending September 30, 2003; providing for a repeal clause and declaring an emergency. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R6 – **PUBLIC HEARING** and discussion of the Town of Addison, Texas annual budget for the fiscal year ending September 30, 2004.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Item #R7 – Consideration of an Ordinance of the Town of Addison, Texas approving and adopting the annual budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; providing that said expenditures for said fiscal year shall be made in accordance with said budget; providing for a repeal clause and declaring an emergency.

Mayor Wheeler opened the meeting as a courtesy public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a courtesy public hearing.

Councilmember Niemann moved to duly pass Ordinance No. 003-031 approving and adopting the annual budget for the fiscal year beginning October 1, 2003 and ending

September 30, 2004; providing that said expenditures for said fiscal year shall be made in accordance with said budget; providing for a repeal clause and declaring an emergency. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R8 – Consideration of an Ordinance of the Town of Addison, Texas fixing and adopting the tax rate of \$.4228 on all taxable property for the year 2003; and declaring an emergency.

Councilmember Mallory moved to duly pass Ordinance No. 003-032 fixing and adopting the tax rate of \$.4228 on all taxable property for the year 2003; and declaring an emergency. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R9 – Presentation and discussion of the new Water Utility Rate Communication Plan.

No action was taken.

Item #R10 – Consideration of an Ordinance amending Chapter 82 of the Town of Addison Code of Ordinances by amending sewage rates and water rates for all customer classifications.

Councilmember Silver moved to duly pass Ordinance No. 003-033 amending Chapter 82 of the Town of Addison Code of Ordinances by amending sewage rates and water rates for all customer classifications. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R11 – Consideration of an Ordinance amending the Town of Addison Code of Ordinances, Chapter 66 (Solid Waste), Article II (Collection and Disposal), Division 2 (Service Charge) by amending Section 66-52 (Single Dwelling Units) regarding the mandatory monthly fee for garbage collection, hauling and disposal from residences.

Councilmember Mallory moved to duly pass Ordinance No. 003-034 amending the Town of Addison Code Ordinances, Chapter 66 (Solid Waste), Article II (Collection and Disposal), Division 2 (Service Charge) by amending Section 66-52 (Single Dwelling

Units) regarding the mandatory monthly fee for garbage collection, hauling and disposal from residences. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$69,225.67 with Tru Green LandCare for landscape and irrigation maintenance in Addison Circle and Addison Circle Park.

Councilmember Chow moved to duly pass Resolution No. R03-091 authorizing the City Manager to enter into a contract in the amount of \$69,225.67 with Tru Green LandCare for landscape and irrigation maintenance in Addison Circle and Addison Circle Park, subject to a definitive scope of work, definitive authorized expenditure and review and approval of the City Attorney. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R13 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$1,300,000.00 with Houston-Galveston Area Council for the purchase of two fire vehicles.

Councilmember Mallory moved to duly pass Resolution No. R03-092 authorizing the City Manager to enter into a contract in an amount not to exceed \$1,300,000.00 with Houston-Galveston Area Council for the purchase of two fire vehicles. Councilmember Turner seconded. The motion failed.

Voting Aye: None
Voting Nay: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Absent: None

Councilmember Niemann moved to duly pass Resolution No. R03-092 authorizing the City Manager to enter into a contract in an amount not to exceed \$1,300,000.00 with Houston-Galveston Area Council for the purchase of two fire vehicles, subject to the Resolution indicating the correct identification of the specified vehicles. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R14 – Consideration of a Resolution authorizing the City Manager to accept the Part 150 Noise Study and Master Plan Update, including certification of the Noise Exposure Map Document (NEM) and the Noise Compatibility Program Document.

Councilmember Niemann moved to duly pass Resolution No. R03-093 authorizing the City Manager to accept the Part 150 Noise Study and Master Plan Update, including certification of the Noise Exposure Map Document (NEM) and the Noise Compatibility Program Document, subject to modification of Exhibit 6a to break out the cost of the acquisition and the construction of the hangars. Councilmember Silver seconded. The motion carried.

Vic Sahm asked if he could speak on this item. Mayor Wheeler opened the meeting as a courtesy public hearing. Mr. Sahm asked for clarification on the effect, if any, this would have in regards to his property. Mark Acevedo, Director of Facilities and Fleet Services and Jim Harris of Coffman Associates were able to address Mr. Sahm concerns. There were no other questions or comments. Mayor Wheeler closed the courtesy public hearing.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R15 – Consideration of a Resolution approving the purchase of an easement for permanent right-of-way purposes in a 0.068 acre tract of land generally located at 15107 Addison Road (Café Capri), and approving an easement agreement in connection with such purchase; and providing an effective date.

Councilmember Turner moved to duly pass Resolution No. R03-094 approving the purchase of an easement for permanent right-of-way purposes in a 0.068 acre tract of land generally located at 15107 Addison Road (Café Capri), and approving an easement agreement in connection with such purchase; and providing an effective date. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R16 – Consideration of a Resolution authorizing the City Manager or the City Manager's designee to execute an electric supply agreement pursuant to the contract to be signed by Cities Aggregation Power Project, Inc. (CAPP) for deliveries of electricity effective January 1, 2004; authorizing eligible designees to include the chairman of CAPP; providing an effective date.

Councilmember Silver moved to duly pass Resolution No. R03-095 authorizing the City Manager or the City Manager's designee to execute an electric supply agreement pursuant to the contract to be signed by Cities Aggregation Power Project, Inc. (CAPP)

for deliveries of electricity effective January 1, 2004; authorizing eligible designees to include the chairman of CAPP; providing an effective date, subject to the clause to state that the Chairman of CAPP is authorized to sign only to the extent that the price is lower than the price to beat. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

There being no further business before the Council, the meeting was adjourned.

Mayor

Attest:

City Secretary